

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Ordinance

At a regular meeting of the York County Board of Supervisors held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of ____, 2003:

Present

Vote

Donald E. Wiggins, Chairman
Walter C. Zaremba, Vice Chairman
Sheila S. Noll
James S. Burgett
Thomas G. Shepperd, Jr.

On motion of _____, which carried ____, the following ordinance was adopted:

AN ORDINANCE TO AMEND COUNTY CODE SECTION 1-2 RELATIVE TO THE DEFINITION OF "STATE CODE" AND TO REENACT AND READOPT COUNTY CODE SECTIONS 15-6 AND 15-7 IN THEIR ENTIRETY.

BE IT ORDAINED by the York County Board of Supervisors, this ____ day of _____, 2003, that section 1-2, York County Code, be and it is hereby amended to read and provide as follows:

Sec. 1-2. Definitions and rules of construction.

In the construction of this Code and of all ordinances, the following rules shall be observed, unless otherwise specifically provided or unless such construction would be inconsistent with the manifest intent of the board of supervisors.

Generally. The rules of construction given in sections 1-13.1 to 1-15, Code of Virginia, shall govern, so far as applicable, the construction of all words not defined in this section or elsewhere in this Code.

Board of Supervisors; board. Wherever the term "board of supervisors" or "board" is used, it shall be construed to mean the board of supervisors of the County of York.

Bond. When a bond is required, an undertaking in writing shall be sufficient.

Code. Wherever the term "Code" or "this Code" is used, without further qualification, it shall mean the Code of the County of York, Virginia, as designated in section 1-1.

Computation of time. Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the day on which such notice is given or such act is done shall be counted in computing the time, but the day on which such proceeding is to be had shall not be counted.

County. The word "County" shall mean the County of York in the State of Virginia.

County Administrator. Whenever the term "county administrator" is used, it shall mean the county administrator or his designee.

Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

Health department. The term "health department" shall mean the department of the public health of the county.

Health officer. The term "health officer" shall mean the legally designated health authority of the state board of health for the county or his authorized representative.

Joint authority. Words purporting to give authority to three (3) or more public officers or other persons shall be construed as giving such authority to a majority of such officers or other persons.

Month. The word "month" shall mean a calendar month.

Number. A word importing the singular number only may extend and be applied to several persons and things as well as to one person and things; and a word importing the plural number only may extend and be applied to one person or thing, as well as to several persons or things.

Oath. The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath.

Officers, board, etc. Whenever reference is made to a particular officer, department, board, commission or other agency, such reference shall be construed as if followed by the words "of the County of York, Virginia."

Official time standard. Whenever particular hours are referred to, the time applicable shall be official standard time or daylight savings time, whichever may be in current use in the county.

Or, and. "Or" may be read "and" and "and" may be read "or" if the sense requires it.

Owner. The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or a part of such building or land.

Person. The word "person" shall extend and be applied to associations, firms, partnerships and bodies politic and corporate as well as to individuals.

Preceding; following. The words "preceding" and "following" mean next before and next after, respectively.

Sidewalk. The word "sidewalk" shall mean any portion of a street between the curb line, or the lateral lines of a roadway where there is no curb, and the adjacent property line intended for the use of pedestrians.

Signature or subscription includes a mark when a person cannot write.

State; commonwealth. The words "state" and "commonwealth" shall be construed as if the words "of Virginia" followed.

State Code [and state regulations](#). References to the "State Code" or "Code of Virginia" shall mean the Code of Virginia, 1950, as amended. [Whenever this code incorporates, by reference, any state statute or regulation into an ordinance, the corporation by reference shall include any future amendments to the referenced state statutes or regulations, unless contrary intent is specifically stated in the ordinance.](#)

Street; highway; road. The words "street," "highway" and "road" shall include public streets, avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto and all other public thoroughfares in the county, and shall mean the entire width thereof between abutting property lines. Such words shall be construed to include a sidewalk or footpath, unless the contrary is expressed or unless such construction would be inconsistent with the manifest intent of the board of supervisors.

Swear, sworn. The word "swear" or "sworn" shall be equivalent to the word "affirm" or "affirmed" in all cases in which, by law, an affirmation may be substituted for an oath.

Tense. Words used in the past or present tense include the future as well as the past and present.

Written or in writing shall be construed to include any representation of words, letters or figures, whether by writing or otherwise.

Year. The word "year" shall be construed to mean a calendar year; and the word "year" alone shall be equivalent to the expression "year of our Lord."

BE IT FURTHER ORDAINED by the York County Board of Supervisors that York County Code Sections 15-6 and 15-7 are hereby reenacted and readopted in their entirety as follows:

Sec. 15-6. Adoption of state law—Generally.

- (a) Pursuant to the authority of section 46.2-1313, Code of Virginia as amended, all of the provisions and requirements of the laws of the state contained in title 46.2, Code of Virginia, as amended, except those provisions and requirements the violation of which constitutes a felony, and except those provisions and requirements which, by their very nature, can have no application to or within the county, are hereby adopted and incorporated in this chapter by reference and made applicable within the county. References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways and other public ways within the county. For law enforcement purposes only, "highway" shall include all private roads, streets or other access ways located within any residential development containing one hundred (100) or more lots. Such provisions and requirements are hereby adopted and made a part of this chapter as fully as though set forth at length herein, and it shall be unlawful for any person within the county to violate or fail, neglect or refuse to comply with any provision of title 46.2, Code of Virginia, as amended, which is adopted by this section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under title 46.2, Code of Virginia, as amended.
- (b) All definitions of words and phrases contained in the state law hereby adopted shall apply to such words and phrases, when used in this chapter, unless clearly indicated to the contrary.

Sec. 15-7. Driving while under influence of alcohol or drugs; adoption of state law.

Article 2 (section 18.2-266 et seq.) of chapter 7 of title 18.2, Code of Virginia, as amended, is hereby adopted and made a part of this chapter as fully as though set out at length herein. It shall be unlawful for any person within the county to violate or fail, neglect or refuse to comply with any section of the Code of Virginia as adopted by this section.